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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/993,780	11/16/2001	John J. Daniels	14531.71.4.3	1576
47973	7590	11/08/2004	EXAMINER	LEE, Y YOUNG
WORKMAN NYDEGGER/MICROSOFT 1000 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE SALT LAKE CITY, UT 84111			ART UNIT	PAPER NUMBER
			2613	

DATE MAILED: 11/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/993,780	DANIELS, JOHN J.	
	<b>Examiner</b> Y. Lee	<b>Art Unit</b> 2613	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 27 July 2004.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 3-8,13-15,27-30 and 37-63 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 3-8,13-15,27-30 and 37-63 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 05 May 2003 is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 3-8, 13-15, 27-30, and 37-63 are rejected under 35 U.S.C. 102(e) as being anticipated by Chan et al (5,553,123) for the same reasons as set forth in Section 3 of the last office action, dated 7/23/03.

Chan et al, in Figures 77 and 79-84, discloses the same interactive television system that includes a computing system (1520, 1524) and a recording device 1550 that is configured to record television programs as specified in claims 3-8, 13-15, 27-30, and 37-63 of the present invention, wherein the interactive television system is connectable by means of the computing system 1520 to a server 1522 that is connectable to a network (Fig. 82), a method for enabling the server 1522 to control the recording of one or more selected television programs 1550 by the interactive television system, the method comprising the acts of receiving at the server 1522 a request from the computing system 1520 for a programming schedule that identifies one or more television programs (Fig. 8), the request being made at the computing system 1520; in response to the request, the server 1522 providing the programming schedule 1526 to

the computing system 1524; receiving at the server 1522 an identification (e.g. G-codes) provided from the computing system 1524 of one or more television programs to be recorded, the one or more television programs to be recorded having been selected from a display of the programming schedule at the computing system 1520 of the interactive television system from the programming schedule provided from the server 1522; and in response to the programs identified for recording, the sever 1522 automatically and independently of any broadcast signal for audio visual programming content, downloading recording instructions (e.g. date, time, etc.) to the computing system of the interactive television system so that the recording device 1550 will thereafter, automatically and without user intervention, be set up to record the one or more selected television programs.

With respect to claims 3-8, 13-15, 27-30, 38-43, 45-49, 51-57, and 59-63, Chan et al also discloses receiving, from the remote device 1522, information representing a television signal provider (e.g. channel name) that is to broadcast the one or more television programs to be recorded by the interactive television system, wherein the television signal provider has been selected at the remote device in response to input received at the remote device 1522; prior to the act of receiving information representing a television signal provider, the act of transmitting, to the remote device 1522, information 1526 identifying a plurality of television signal providers that are capable of broadcasting television programs to the interactive television system; wherein the server communicates with the remote device through an internet connection; the programming schedule includes a time, date and duration CDTL of the

one or more television programs that are to be recorded (Fig. 8); the programming schedule include transmission source information (e.g. G-codes) that enables the interactive television system to tune to one or more signals in which the one or more television programs are encoded; and the transmission source information identifies at least one of a television broadcast channel, a cable channel (e.g. HBO), and a satellite channel through which the one or more signals is to be received by the interactive television system.

***Response to Arguments***

3. Applicant's arguments filed 7/27/04 have been fully considered but they are not persuasive. Applicant asserts on pages 13-15 of the Remarks that Chan et al fails to disclose making a request at the computing system. However, it is submitted that the computing system of Chan et al comprises all elements other than the server 1526 and VCR 1550. That is, Figure 82 of Chan et al illustrates elements 1520, 1524, 1540, etc., all make up a computing system wherein computations are performed.

***Conclusion***

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Y. Lee whose telephone number is (703) 308-7584. The examiner can normally be reached on (703) 308-7584.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (703) 305-4856. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Y. Lee  
Primary Examiner  
Art Unit 2613

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